

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/003357

International filing date (day/month/year)
12.10.2004

Priority date (day/month/year)
18.02.2004

International Patent Classification (IPC) or both national classification and IPC
B28B17/00

Applicant
CORNAZ ET FILS S.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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10/589294

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

AP20 Rec'd PCT/PTO 14 AUG 2006
International application No.
PCT/IB2004/003357

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003357

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4,6-8
	No: Claims	1-3,5,9-11
Inventive step (IS)	Yes: Claims	4
	No: Claims	1-3,5-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/003357

Re Item V.

- 1 The following document (D) is referred to in this communication:

D1: GB 911 224 A (WILSON S CAVICRETE LTD) 21 November 1962 (1962-11-21)

D2: GB 363 637 A (WALTER GARTNER) 21 December 1931 (1931-12-21)

2. The following is stated under reference to Box VIII, whereby it is to be mentioned that unclear features cannot be used for distinguishing over prior art in order to assess novelty or inventive step. The present application does not meet the criteria of Article 33(1) PCT, for the following reasons:

- 2.1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent **claims 1 and 5** are not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

A thick slab (10) for covering a ground surface whereby it comprises at least a surface layer made of facing material (16), at least two sections separated by a deep groove (20) ending in a point to define a breaking line allowing the slab to be divided along this breaking line to separate the two sections and to obtain two slabs (cf. description p. 1, l. 21-26 and figs 1-4)

- 2.2. The document D2 discloses (the references in parentheses applying to this document):

A mould (1) for manufacturing a slab whereby it comprises several sections, the sections being separated by a pointed rib (3).

- 2.3. Due to the non-compliance with Art. 6 PCT the examining instance can formally not confirm the presence of an inventive step with respect to **claims 6 and 8**.

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- 3.1. The same reasoning as brought forward under paragraph 2.1. applies to the dependent **claims 2 and 3**, which therefore are also considered not new.
- 3.2. Similar accounts for the dependant **claims 7, 9-11**, cf. paragraph 2.3. of this communication.

Re Item VI.

Certain documents cited

Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
GB 363 637 A	21/12/1931	19/09/1930	19/09/1930

Re Item VII.

1. The independent **claim 6** is not in the two part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII.

The application does not meet the requirements of Article 6 PCT, because **claims 1 and 5** is not clear.

1. Relative terms "thick slabs" and "deep groove" cf. **claim 1** and "high pointed rib" cf. **claim 5** cause a lack of clarity cf. PCT Guidelines 5.34.
2. Independent **claims 6 and 8** have been drafted as separate independent claims. Since these independent claims of the process category contain different process features, the examination instance can formally not conclude which of the process features are essential for the definition of the process for which protection is sought, cf. the PCT Guidelines 5.15 and 5.33. The aforementioned independent **claims 6 and 8** therefore lack conciseness and as such do not meet the requirements of Article 6 PCT (see also PCT Guidelines 5.42.).
3. Using a mold of **claim 5** does not necessarily lead to the production of slabs as defined in **claim 1**, since the slabs in accordance with **claim 1** do not have natural paving stone textures. Thus, **claim 5** lacks clarity.